

a swimming pool. They can pay their superintendents whatever they want. They can take, not the 5-percent cap we have on administration, they can say we want to use 20 percent for administration.

Also, we have said in the past that these moneys should be used to supplement, not supplant, State efforts. That is taken away. So what can happen is all the money we put out to an area now that normally would go for vocational education or education technology or safe and drug-free schools, all of that money now doesn't have to be used for that, and the State can say, "OK, we're not going to put the money in, we'll just use the Federal dollars and we'll take our money for roads, bridges" and whatever else the State wants to do with their money, thus downgrading the amount of funds that actually go into education.

I know it was said by the Senator from Washington, "Well, not all knowledge resides in Washington; do we know what to do best in local school districts? The answer to that, obviously, is no. Keep in mind this money is not forced on the States. We are just saying this is Federal tax money that we vote to collect. And, yes, we do have a right and an obligation under the Constitution of the United States to decide how that money is to be spent.

We don't have the obligation or the right to decide how States spend their own State tax dollars, but we certainly do have the right and the constitutional obligation to decide how we spend Federal tax dollars. And that's what we said. We want it spent on vocational education. We want it spent on safe and drug-free schools. Those programs have been supported widely on both sides of the aisle.

We have also said we don't want more than 5 percent of that money to go to administrative costs, which has been widely supported on both sides of the aisle. That is all taken away by the Gorton amendment.

Mr. President, I talked with a number of my colleagues on this side of the aisle—certainly not all of them—but a great number of them prior to the vote on final passage. While I voted for final passage of the bill, because there is a lot more good than bad in it, I must state for the record that if, in fact, this provision is not dropped in conference, if we don't have the votes to drop it in conference, if it comes back from conference, as the minority manager on this bill, I am going to vote against it.

I hope that the President will send strong signals that he will veto this bill if this provision remains in the bill because it would do away with years and years of what we have done to focus attention on areas of education, like vocational education, safe and drug-free schools, education technology and others, that we thought were so necessary in order to move this country forward. I just hope this provision will be dropped in conference and that we can come back and support the

bill out of conference with the same strong vote that we had here.

Mr. President, I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

#### UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. LOTT. As in executive session, I ask unanimous consent that at the hour of 2 p.m. today, the Senate proceed to a vote on Executive Calendar No. 234, the nomination of Joseph Bataillon, to be immediately followed by a vote on Calendar No. 236, Christopher Droney, to be immediately followed by a vote on Calendar No. 237, Janet Hall. I ask unanimous consent that there be 2 minutes of debate, equally divided, prior to each of the above votes.

I further ask unanimous consent that immediately following those votes, Calendar Nos. 238, 239, 245 and 247 be confirmed.

I finally ask unanimous consent that following these confirmations, the motions to reconsider be laid upon the table; that any statements relating to the nominations appear at the appropriate place in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER OF PROCEDURE

Mr. LOTT. Mr. President, for the information then of all Senators, that is three judicial nominations that have been cleared on both sides of the aisle, although recorded votes will be required, and then two U.S. attorneys that have been on the calendar for some time, U.S. Attorney Sharon Zealey of Ohio and U.S. Attorney James Hurd of the Virgin Islands. We also have two nominees for the Corporation for Public Broadcasting that we are able to confirm.

With these nominations moving forward, I think it is very positive for the Senate. I want the Senators to be aware that there will be three back-to-back votes beginning at 2 p.m. today.

Also, I am very pleased we are going to be able to get clearance for all committees to meet during the afternoon hours and the rest of this morning.

I believe, Mr. President, we will momentarily be prepared to go to opening statements with regard to the Food and Drug Administration reform. Senator JEFFORDS and Senator KENNEDY are here ready to proceed.

Mr. President, with regard to the comments made by Senator HARKIN, the fundamental difference in his position and our position with regard to education funds is that we just believe that the people at the local level and people at the State level want good education in their schools. I am a big advocate of vocational education, but I

just happen to believe that if the State of Mississippi had more discretion in how those funds are to be used, they probably would put more money in vocational education in our State and less money in some of the programs they are mandated to do by the Federal Government.

We want good vocational education. We want safe schools. The difference is we just think that parents and teachers at the local level would do a better job of deciding how to educate their children than dictates from Washington, DC, and the Federal bureaucracy. It has not worked. We spent billions of dollars on education, and the test scores and the quality of education and the safety of the schools and parental involvement has gone down, down, down, down.

It is time we try something else to really improve education in America. That is what we are trying to do.

I yield the floor, Mr. President.

#### FOOD AND DRUG ADMINISTRATION MODERNIZATION AND ACCOUNTABILITY ACT OF 1997

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

A bill (S. 830) to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes, which had been reported from the Committee on Labor and Human Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

##### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Food and Drug Administration Modernization and Accountability Act of 1997".*

##### SEC. 2. TABLE OF CONTENTS.

*The table of contents for this Act is as follows:*

- Sec. 1. Short title.*
- Sec. 2. Table of contents.*
- Sec. 3. References.*

##### TITLE I—IMPROVING PATIENT ACCESS

- Sec. 101. Mission of the Food and Drug Administration.*
- Sec. 102. Expedited access to investigational therapies.*
- Sec. 103. Expanded humanitarian use of devices.*

##### TITLE II—INCREASING ACCESS TO EXPERTISE AND RESOURCES

- Sec. 201. Interagency collaboration.*
- Sec. 202. Sense of the committee regarding mutual recognition agreements and global harmonization efforts.*
- Sec. 203. Contracts for expert review.*
- Sec. 204. Accredited-party reviews.*
- Sec. 205. Device performance standards.*

##### TITLE III—IMPROVING COLLABORATION AND COMMUNICATION

- Sec. 301. Collaborative determinations of device data requirements.*
- Sec. 302. Collaborative review process.*

##### TITLE IV—IMPROVING CERTAINTY AND CLARITY OF RULES

- Sec. 401. Policy statements.*
- Sec. 402. Product classification.*
- Sec. 403. Use of data relating to premarket approval.*
- Sec. 404. Consideration of labeling claims for product review.*